

PATENT COOPERATION TREATY

(10)

AG

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

G.E. EHRLICH (1995) LTD.
11 Menachem Begin Street
52521 Ramat Gan
ISRAEL

RECEIVED

27 MAY 2008

FILE No. 41848

G.E. EHRLICH (1995) LTD.

INVITATION TO PAY ADDITIONAL FEES
AND, WHERE APPLICABLE, PROTEST FEE
(PCT Article 17(3)(a) and Rule 40.1 and 40.2(e))

REGISTERED MAIL

Date of mailing
(day/month/year)

21/05/2008

d

Applicant's or agent's file reference

41848

PAYMENT DUE

within **ONE MONTH** from
the above date of mailing

International application No.

PCT/IL2007/001588

International filing date
(day/month/year)

20/12/2007

Applicant

SPECTRUM DYNAMICS LLC

1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated on an extra sheet:
- (ii) therefore considers that **the international application does not comply with the requirements of unity of invention** (Rules 13.1, 13.2 and 13.3) for the reasons indicated on an extra sheet:
- (iii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
see extra sheet
- (iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. Consequently, the applicant is hereby **invited to pay**, within the time limit indicated above, the amount indicated below:

EUR 1.700,00 x 1 = EUR 1.700
Fee per additional invention number of additional inventions currency/total amount of additional fees

3. The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fee may be made under protest**, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive, where applicable, subject to the payment of a protest fee. Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of EUR 750,00 (currency/amount)

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4. ☐ Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Leila Kuhnen

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-27,37-47

Mining in a database of functional maps for diagnosis and classification purposes.

2. claims: 28-36

Image acquisition in which the process of capturing is controlled based on the analysis of a preliminary functional image (map).

The application appears to lack unity within the meaning of Rule 13.1 PCT, since it does not seem to relate to one invention only or to a group of inventions so linked as to form a single general inventive concept.

In fact, claims 1, 19 and 23 have been drafted as roof-type claims with a general concept defined in lines 3-8 of claim 1 and three alternatives specified at the end of claim 1. With these alternatives, claim 1 effectively separates into three independent claims, directed to using the "matching set" for image acquisition, diagnosis and classification respectively. The latter two issues, diagnosis and classification, seem to be closely related, whereas image acquisition solves a different technical problem and requires an extra search.

Therefore, the application is considered to contain the following two separate inventions:

1) Claims: 1-27 and 37-47.

The first invention refers to a method (claim 1), a system (claim 19), and a distributed system (claim 23) for analyzing a received functional map. The same invention is further defined using different wording as a research tool (claim 24) and a method for calculating a treatment recommendation (claim 37).

The purpose of the first group of inventions is to mine a database of functional maps for diagnosis and classification.

2) Claims: 28-36.

The second invention refers to an imaging system (claim 28) and a method for obtaining a functional image (claim 33) in which the process of capturing (and a corresponding "detector" in a system) is controlled based on the analysis of a preliminary functional image (map).

The technical problem solved here is to improve the quality of a captured medical image.

As noted above, there is in fact a single general concept with the

following features common to both inventions:

- "receiving a functional map" (obtaining an input image),
- "managing a plurality of functional maps associated with biological activity indications" (i.e. providing a database of functional maps),
- "identifying a matching set of said managed functional maps by matching between (...) biological activity indications".

These features are, however, known from document US 2004/0003001 (D1) which is cited in the search report. This document discloses a system for searching for similar images in a database containing medical images and associated medical information (cf. par. [0012,18] in D1), wherein the search is based on image content or associated medical information. Thus, regarding document D1, the single general concept linking the two invention appears to be not new and not inventive within the meaning of Article 33 PCT. Furthermore, the two technical problems of the abovementioned inventions are solved by different and not corresponding special technical features.

**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No
PCT/IL2007/001588

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2004/003001 A1 (SHIMURA KAZUO [JP]) 1 January 2004 (2004-01-01) pages 1-6, paragraphs 9-25, 51	1-4, 6-19, 21-27, 37-47
X	WO 2006/042077 A (VIATRONIX INC [US]; CHEN DONGQING [US]) 20 April 2006 (2006-04-20) pages 2, 12	1, 5, 19, 20, 23, 24

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Patent Family Annex

Information on patent family members

International Application No

PCT/IL2007/001588

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
US 2004003001	A1	01-01-2004	JP	2004005364 A	08-01-2004
WO 2006042077	A	20-04-2006	WO	2006042191 A2	20-04-2006